

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

WHITTIER CITY SCHOOL DISTRICT.

OAH Case No. 2015031257

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On July 8, 2015, the parties filed a revised second joint request to continue the prehearing conference and due process hearing to agreed dates because counsel is unavailable due to other court appearances, and District staff witnesses are unavailable due to previously scheduled vacations, on the dates set.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is granted. However, because this is a second request to continue hearing dates beyond the dates agreed to by the parties in their first joint request for continuance, and sets the due process hearing dates more than 120 days from the initial date set for hearing, no further continuances are anticipated unless substantial good cause is shown.

☒ Granted. All dates are vacated. This matter will be set as follows:

Prehearing Conference: September 28, 2015, at 10:00 a.m.
Due Process Hearing: October 6, 7, and 8, 2015, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: July 08, 2015

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings